United Nations S/2010/129

Security Council

Distr.: General
11 March 2010
English
Original: French

Letter dated 11 March 2010 from the Secretary-General to the President of the Security Council

As you are aware, the current mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT) is due to expire on 15 March 2010. Given the ongoing discussions on the future of the Mission and following consultation with the Government of Chad, I wish to recommend to the Security Council that consideration be given to authorizing a two-month technical rollover of the mandate of MINURCAT.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(Signed) **BAN** Ki-moon

10-26824 (E) 110310 110310

Please recycle

United Nations S/2010/130

Security Council

Distr.: General
12 March 2010

Original: English

Austria, Brazil, France, Gabon, Japan, Lebanon, Mexico, Nigeria, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions and the statements of its President concerning Chad, the Central African Republic and the subregion, including resolution 1769 (2007), 1778 (2007), 1834 (2008) and resolution 1861 (2009),

Considering the note verbale of the government of Chad of 19 January 2010, its letter of 3 March 2010 (S/2010/115), and the letter of the Secretary-General of 11 March 2010, indicating that discussions on the future of the United Nations Mission in the Central African Republic and Chad (MINURCAT) are still ongoing,

Determining that the situation in the region continues to constitute a threat to international peace and security,

1. *Decides* to extend until 15 May 2010 the mandate of MINURCAT as set out in resolution 1861 (2009);

2. *Decides* to remain actively seized of the matter.

10-27014 (E) 120310

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United Nations S/2010/131

Security Council

Distr.: General
11 March 2010
English
Original: French

Letter dated 8 March 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Stabilization Mission in Haiti (MINUSTAH), which was established pursuant to Security Council resolution 1542 (2004).

Following the usual consultations, it is my intention to appoint Major General Luiz Guilherme Paul Cruz (Brazil) as Force Commander of MINUSTAH. He will replace Major General Floriano Peixoto (Brazil), who will complete his tour of duty on 9 April 2010.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

10-26908 (E) 120310 120316

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United Nations S/2010/132

Security Council

Distr.: General
11 March 2010
English
Original: French

Letter dated 10 March 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 8 March 2010 (S/2010/131) concerning your intention to appoint Major General Luiz Guilherme Paul Cruz (Brazil) as Force Commander of the United Nations Stabilization Mission in Haiti has been brought to the attention of the members of the Security Council, who have taken note thereof.

(*Signed*) Emmanuel **Issoze-Ngondet**
President of the Security Council

10-26924 (E) 120310 120310

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United Nations S/2010/133

Security Council

Distr.: General
16 March 2010
English
Original: French

Letter dated 15 March 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to attach for your attention a letter dated 1 March 2010 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia (see annex).

President Robinson seeks authorization for two ad litem judges, Judge Kimberly Prost (Canada) and Judge Ole Bjorn Stole (Norway), to continue serving at the International Tribunal until the end of May 2010 so that they may complete the judgement in the case of the *Prosecutor v Popović et al.*

In resolution 1900 (2009) of 16 December 2009, the Security Council decided that, notwithstanding the expiry of their terms of office on 31 December 2009, Judges Prost and Stole would be allowed to complete the *Popović* case. The Security Council took note of the intention of the International Tribunal to complete that case before the end of March 2010. According to President Robinson, the completion of the *Popović* case has now been delayed until the end of May 2010, due to unforeseen factors related to the scale and complexity of the case.

In the light of the above, the approval of the Security Council, as the parent organ of the International Tribunal, and of the General Assembly, as the organ that elects its judges, is necessary to allow Judges Prost and Stole to complete the *Popović* case, notwithstanding the expiry of their terms of office.

I would be grateful if you could bring the letter from President Robinson to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

10-27436 (E) 170310 170310

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Annex

Letter dated 1 March 2010 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 addressed to the Secretary-General

[Original: English]

I have the honour to refer to the 116th plenary meeting of the fifty-ninth session of the General Assembly on 24 August 2005, during which 27 ad litem judges of the International Criminal Tribunal for the Former Yugoslavia were elected for a mandate of four years. I also refer to resolution 1837 (2008), resolution 1877 (2009) and resolution 1900 (2009), which were adopted by the Security Council on 29 September 2008, 7 July 2009 and 16 December 2009, respectively.

In resolution 1900 (2009), the Security Council decided that, notwithstanding the expiry of their terms of office on 31 December 2009, Judge Kimberly Prost (Canada) and Judge Ole Bjorn Stole (Norway) may be permitted to complete the *Popović et al.* case. It also took note of the intention of the International Tribunal to complete the case before the end of March 2010. By the present letter, I wish to advise that, due to unforeseen factors related to the scale and complexity of the case of *Popović et al.*, the delivery of the judgement is delayed and will not be rendered until the end of May 2010.

Accordingly, it has become necessary to seek an extension of the terms of Security Council resolution 1900 (2009) in order to extend the mandates of Judges Prost and Stole so that they may complete their assignment to this case and so that they can continue to serve beyond the cumulative period of service provided for under article 13 ter, paragraph 2, of the statute of the International Tribunal.

It has also become necessary to seek an extension of the terms of Security Council resolution 1900 (2009) as the International Tribunal will continue to have a total number of ad litem judges over the statutory limit until the delivery of the judgement in the *Popović et al.* case.

I would be grateful if these matters could be brought to the attention of the Security Council as a matter of urgency.

(*Signed*) Patrick **Robinson**
President

United Nations A/64/707–S/2010/134

General Assembly
Security Council

Distr.: General
12 March 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 14 and 18

Security Council
Sixty-fifth year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 10 March 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to the letter dated 24 February 2010 from the Permanent Representative of the Republic of Armenia to the United Nations, contained in document A/64/680-S/2010/102. This letter, which purports to respond to my letter addressed to you in connection with the eighteenth anniversary of an unprecedented massacre of the Azerbaijani population in the town of Khojaly (A/64/658-S/2010/78 of 8 February 2010), is not a single example of sophisticated and blatant falsification, by means of which the Armenian side attempts to deny its responsibility for the serious crimes committed during the aggression against Azerbaijan.

The Armenian side feigns ignorance of the fact that its responsibility for the brutal killings during one night from 25 to 26 February 1992 of 613 residents of Khojaly is recognized and documented by numerous independent sources, eyewitnesses of the tragedy, as well as admitted by Armenia's high-ranking officials and public sources.

Thus, the Permanent Representative of the Republic of Armenia omits clarifying the words of his country's then defence minister and current President, Serzh Sargsyan, who unequivocally admitted culpability for extermination of the inhabitants of Khojaly (Thomas de Wall, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London: New York University Press, 2003), p. 172), as well as the revelations of another Armenian author who gave a detailed account of how Armenian soldiers had been killing the residents of Khojaly (Markar Melkonian, *My Brother's Road: An American's Fateful Journey to Armenia* (London and New York: I. B. Tauris, 2005), pp. 213-214).

Please recycle

The Permanent Representative of the Republic of Armenia refers to ambiguous, politically motivated and groundless interpretations of the events in Khojaly, according to which the Azerbaijanis themselves allegedly "prevented the evacuation of the local civilian population from the military operation zone" and "the Azerbaijani militia shot those who attempted to flee" in order "to utilize civilian losses of such a magnitude" for internal political purposes. It is no coincidence that such a preposterous idea immediately collapses like a house of cards under the weight of evidence testifying of a situation diametrically opposite to that represented by the Armenian side.

The Armenian propaganda is not fastidious about any means it uses in attempts to enlist at least a kind of support to its cynical allegations. Thus, while manipulating the content of the Helsinki Watch report of 1992, the Permanent Representative of the Republic of Armenia seems to have forgotten that this non-governmental human rights organization had officially responded to the gross misinterpretation of its position by the Armenian side. The following letter dated 24 March 1997 from the Executive Director of Human Rights Watch/Helsinki addressed to the Minister for Foreign Affairs of Armenia speaks for itself.

> "As Executive Director of Human Rights Watch/Helsinki (formerly Helsinki Watch), I wish to respond to the March 3 Ministry of Foreign Affairs statement regarding the 1992 slaughter of Azeri civilians in the town of Khojaly in Nagorno Karabakh. In it, the Ministry argues that the Popular Front of Azerbaijan was responsible for the civilian deaths, supporting this argument by referring to an interview with former President Ayaz Mutalibov and, incredibly, to a 1992 report by our organization.
>
> "The Ministry statement reads: '... the militia of the Azerbaijani National Front actively obstructed and actually prevented the exodus of the local population through the mountain passages specifically left open by Karabakh Armenians to facilitate the flight of the civilian population. On this matter, the September 1992 Helsinki Watch non-governmental organization report quotes an Azerbaijani woman who says that Armenians had notified the Azerbaijani civilian population to leave the town with white flags raised, in fact the Azerbaijani militia shot those who attempted to flee.'
>
> "Our report indeed found that many residents of Khojaly may have had advance warning of the impending military operation, since Armenian forces had given an ultimatum to Alif Gajiyev, then head of the Khojaly militia, who in turn warned civilians. Our research and that of the Memorial Human Rights Center found that the retreating militia fled Khojaly along with some of the large groups of fleeing civilians. Our report noted that by remaining armed and in uniform, the Azerbaijani militia may be considered as combatants and thus endangered fleeing civilians, even if their intent had been to protect them.
>
> "*Yet we place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of Memorial includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians.* (emphasis added)
>
> "We welcome the use of our reports by governments and intergovernmental organizations, and we sincerely hope that there will be no further misrepresentation regarding the contents of our 1992 report." (The full text of

the letter of the HRW Executive Director is available at the HRW website: <http://www.hrw.org/en/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh>)

In other words, whereas Human Rights Watch made it clear in the most unambiguous manner that Armenian forces bear direct responsibility for the civilian deaths in Khojaly and expressed its hope that there would be no further misinterpretation of its report, the Armenian propaganda continues to persistently utilize the refuted arguments and advocate the culture of impunity.

Furthermore, the letter of the Permanent Representative of the Republic of Armenia is yet another illustration of the Armenian side's "forgetfulness" as to the chronology of events pertaining to the beginning of the present-day stage of the conflict between Armenia and Azerbaijan. Thus, the Armenian side passes over in silence that the events in some Azerbaijani cities, notably in Sumgait on 26-28 February 1988, were preceded by a number of illegal declarations and decisions taken with a view to securing the unilateral secession of Nagorny Karabakh from Azerbaijan, attacks at the end of 1987 on the Azerbaijanis in Khankandi (during the Soviet period — Stepanakert) and Armenia, resulting in a flood of Azerbaijani refugees and internally displaced persons who were directed, among other places, to Sumgait. It must be also recalled that on the eve of disturbances in Sumgait, namely on 22 February 1988, near the settlement of Asgaran on the Khankandi-Aghdam highway, the Armenians opened fire on a peaceful demonstration, killing two Azerbaijani youths.

While trying to qualify the events in Sumgait as either "pogroms" or "massacre" against Armenians, the Armenian propaganda at the same time prefers not to mention at all a number of circumstances that are of vital importance in elucidating the true causes of these events. Indeed, on 26-28 February 1988, 26 Armenians and Azerbaijanis were killed in Sumgait. It is notable that one of the leading figures in these disturbances was a certain Edward Grigorian, an Armenian and native of Sumgait, who was directly involved in the killings and violence against the Armenians. By the judgement of the Criminal Division of the Supreme Court of the Azerbaijan SSR dated 22 December 1989, Grigorian was sentenced to 12 years' imprisonment. The Court found Grigorian to be one of the organizers of disturbances in Sumgait. Depositions by witnesses and victims show that he had a list of flats inhabited by the Armenians and, together with three other Armenians, called for reprisals against the Armenians, in which he took part personally. His victims (all Armenians) identified Grigorian as one of the organizers and active figures in the violence that occurred in Sumgait.

According to the Permanent Representative of the Republic of Armenia, "[i]mmediately after declaring its independence, Azerbaijan freed the accused murderers and openly saluted them as national heroes through the mass media". Instead of such irresponsible and groundless allegations, it would be appropriate for the Armenian side to recall that its law-enforcement bodies did not bring criminal proceedings against a single person for the brutal killing of 216 Azerbaijanis in the course of the forcible deportation of the Azerbaijani population from Armenia in 1987-1989.

In fact, events in Sumgait and some other cities of Azerbaijan, being necessary to the Armenian propaganda as a means of launching an extensive anti-Azerbaijani campaign and justifying the ensuing aggressive actions against Azerbaijan, had been

planned and prepared in advance. It is notable that a few days before the beginning of disturbances in Sumgait several Armenian families, the heads of whom, it later transpired, were closely connected to the "Krunk" Committee, an organization which must shoulder a substantial share of the responsibility for unleashing war against Azerbaijan, hurriedly left the city. The only film to chronicle the disturbances, which was promptly distributed around the world, was shot by a professional crew from Armenia who had come to Sumgait specially 24 hours before the events occurred.

The events in Sumgait and some other Azerbaijani cities also could hardly be managed without outside powerful support. As *The Times* wrote, the KGB leadership tried "to weaken the Kremlin's authority and powerbase" and "organised acts of provocation, using genuine local dissatisfaction as a base, in cities across the Soviet Union, including Sumgait and Baku ..." (*Vladimir Kryuchkov: Hardline Soviet Communist who became head of the KGB and led a failed plot to overthrow Mikhail Gorbachev*, Times Online, 30 November 2007, available at: <http://www.timesonline.co.uk/tol/comment/obituaries/article2970324.ece>).

Whereas it has been internationally recognized that the occupation by force of the Nagorny Karabakh region and adjacent areas of Azerbaijan and the ethnic cleansing of the captured territories constitute a flagrant breach by the Republic of Armenia of its obligations under international law, it is curious that the Armenian propaganda continues to qualify the aggression against Azerbaijan as "a peaceful demand of the Nagorno Karabakh people to exercise its right to self-determination".

The Government of the Republic of Azerbaijan made it clear more than once, and I am instructed to point it out once again, that Armenia's claims to the application of the principle of self-determination are contrary to and unsustainable in international law. Otherwise, this would be tantamount to accepting the results of a violation of fundamental norms of international law, including, in particular, those relating to the most serious international crimes as well as a rule prohibiting the use of force.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 14 and 18, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations S/2010/135

Security Council

Distr.: General
15 March 2010

Original: English

Fourth report of the Secretary-General on the United Nations Integrated Peacebuilding Office in Sierra Leone

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1886 (2009), in which the Council requested the Secretary-General to submit a report on the activities of the United Nations Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) every six months. The report covers the period from 1 September 2009 to 28 February 2010.

II. Major developments

A. Political developments

2. The political situation in the country remained calm during the reporting period. On 9 October 2009, at the State opening of the third session of Parliament, the President, Ernest Bai Koroma, elaborated on the progress made by his Government, including in the areas of infrastructure development, education and agriculture. In a New Year message to the country, the President referred to the economic challenges facing Sierra Leone and called on Sierra Leoneans to renew their determination to overcome the country's difficulties.

3. During the reporting period, 37 paramount chieftaincy elections were held in the country. Those elections were significant, given the crucial role traditional authorities play in local administration. The recently enacted Chieftaincy Act of 2009 provided an improved legal framework for the elections. Moreover, the participation of representatives of rural communities in the elections of their paramount chiefs underlined the continuing development of democratic tendencies at all levels in Sierra Leone.

4. While the elections were peaceful and credible overall, election observers highlighted some difficulties in the process, including uneven interpretation or insufficient knowledge of the Chieftaincy Act; interference in the electoral processes by political parties or surrogates contrary to the applicable legislation; and the inability of women to stand as candidates in some parts of the country, owing to cultural stipulations and conflicting interpretations of the 1991 Constitution.

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5. The implementation of the joint communiqué signed on 2 April by the major opposition party, the Sierra Leone People's Party (SLPP), and the ruling All People's Congress (APC) continued in the period under review. The Peacebuilding Fund provided vital financial support for the implementation of the joint communiqué.

6. In collaboration with the United Nations Development Programme (UNDP) and the Political Parties Registration Commission, UNIPSIL continued its well-received grass-roots sensitization campaign on the essential messages of the joint communiqué, through the use of dramatic sketches and radio programmes in all 149 chiefdoms of the country. The Joint Communiqué Adherence Committee, comprising APC, SLPP, the Sierra Leone police and the Inter-Religious Council of Sierra Leone and co-chaired by the Political Parties Registration Commission and UNIPSIL, met within the reporting period and reviewed progress in the implementation of the communiqué.

7. The Commission of Inquiry established pursuant to the joint communiqué completed its investigation of alleged acts of rape and sexual violence reported to have occurred during attacks on the SLPP offices in Freetown on 16 March 2009. The Commission stated that after a thorough consideration of the law governing rape and indecent assault and based on the testimonies received, there was no evidence to sustain the allegations of rape. The Commission nonetheless found that the victims had been subjected to physical mistreatment and other inhumane conduct that constituted a breach of their human rights under the Constitution. It called on the Government to take steps, as a matter of social justice, to address the needs of the victims. SLPP strongly criticized the findings of the Commission and threatened to initiate legal proceedings to challenge them.

8. On 29 September, President Koroma appointed an Independent Review Panel, as stipulated in the joint communiqué, to inquire into the causes of the political violence of March 2009. The Panel began its proceedings on 15 February 2010. As had been the case with regard to the Commission of Inquiry to investigate the reported incidents of sexual violence, the members of the Independent Review Panel were selected by President Koroma from a list of nominees proposed by SLPP and APC. Technical and financial support for the work of the Panel is being made available by UNIPSIL, UNDP and the Peacebuilding Fund. The Panel has invited testimony from all political parties, the country's democratic institutions, the police and Government officials.

9. In December 2009, UNIPSIL, in collaboration with UNDP and the Political Parties Registration Commission, organized intra-party retreats for SLPP, APC and the People's Movement for Democratic Change (PMDC). The retreats focused on leadership training for senior members of the political parties and provided an opportunity for the parties to strengthen their internal democratic mechanisms. Within the same period, separate meetings of the women's wings of APC, SLPP and PMDC were arranged by UNIPSIL, UNDP and the Commission to consider ways of improving the representation of women in the national political institutions.

10. The intra-party retreats having concluded, a national inter-party dialogue to further promote confidence among the political parties will be organized by UNIPSIL and the Political Parties Registration Commission in April 2010. As part of the implementation of the joint communiqué, the political party youth outreach programme, focusing on political tolerance and non-violence, was completed in

14 districts, including the western area of the country. Similar programmes are planned for the coming months.

11. Other efforts to implement the joint communiqué, including through the establishment of a resource centre for political parties, are ongoing. In order to build confidence and promote reconciliation, financial assistance for the repair of the damaged SLPP offices in Freetown was made available by the Peacebuilding Fund, with the approval of the Government, and work on the building has commenced.

12. Despite those initiatives, the relationship between the ruling party and the major opposition party continues to be characterized by deep mistrust and mutual suspicion. In that regard, although there has been an improvement in the overall political situation, formidable difficulties remain in fostering a culture of political tolerance. In addition to instances of violence during the chieftaincy elections, there were fierce clashes between APC and SLPP supporters during a local council by-election held in Tongo, Kenema District, on 13 February 2010.

13. With regard to the review of the 1991 Constitution, no action has been taken by the Government on the report submitted by the Constitutional Review Commission. Given the importance of the constitutional review process for the consolidation of the democratic foundations of the country, there is a need to establish a wide-ranging consultative mechanism for the further discussion of the review process and its next steps.

B. Security developments

14. Overall, the security situation in Sierra Leone was calm during the reporting period. However, a sudden rise in armed robberies in the second half of 2009 was a matter of concern. From 10 October to 19 November 2009, 56 persons were arrested for such attacks. In order to address the problem, on 10 October 2009 President Koroma invoked the Military Assistance to Civil Power Act, which legally enabled the Republic of Sierra Leone Armed Forces to work jointly with the Sierra Leone police. Their combined efforts proved successful, as robberies throughout the country declined sharply early in 2010.

15. On 19 September, there was an altercation between personnel of the armed forces and the police in the Waterloo area of Freetown, which resulted in damage to a police station and equipment, as well as injuries to several policemen. An inquiry, led by representatives of the country's security organs, was commissioned by the National Security Coordinating Group to investigate the circumstances that led to the clash. UNIPSIL was invited to participate in the inquiry. Senior officers of the police and the armed forces took immediate steps, including through mediation, to improve the working relationship between the institutions.

16. UNIPSIL, with support from the Government of Sierra Leone as well as UNDP and the Peacebuilding Fund, has developed a comprehensive strategy aimed at strengthening the cohesion between the police and the armed forces. A training package for over 7,500 soldiers and police officers has been formulated in the area of strategic communication, attitudinal change and discipline. The training will focus on lower- and mid-level command staff. Joint police and military liaison units will also be established.

17. In the period under review, the Government took steps to ensure that ex-soldiers demobilized as part of the core review of the armed forces received their entitlements. However, some of the ex-soldiers affected, engaged in demonstrations and damaged property in protest at the non-payment of benefits. The Government indicated that a review of the pension benefits for some of the ex-servicemen concerned is under way with a view to bringing them into line with current inflation rates.

18. With regard to relations with its neighbours, Sierra Leone continued to maintain cordial ties with Guinea. Border patrols by the armed services of both countries continued without any difficulties, and military teams exchanged visits to discuss common security concerns. By a letter dated 14 September, the Government of Guinea requested the Government of Sierra Leone to investigate allegations that some 4,000 mercenaries were being trained in Sierra Leone with a view to launching an attack on Guinea. the Sierra Leone security sector agencies thoroughly investigated the allegations and determined that there was no evidence to support them. On 9 December, Sierra Leone hosted the twenty-sixth meeting of the Committee of Chiefs of Defence Staff of the Economic Community of West African States, at which recent developments in Guinea and the subregion were discussed.

19. Four unauthorized foreign fishing vessels were apprehended in the coastal waters of Sierra Leone in the reporting period. The armed forces assisted in an operation carried out by the United States Coast Guard pursuant to a bilateral maritime assistance agreement concluded between Sierra Leone and the Government of the United States of America in June 2009. Forfeiture orders and fines of about $2 million were imposed by the Sierra Leonean judicial authorities. The protection of the country's marine resources is vital and will help Sierra Leone to increase its revenue-generation capacity. In the period under review, the armed forces also benefited from training offered by the United States Navy on boarding techniques and vessel maintenance.

20. General William E. Ward, the Commander of the United States Africa Command, visited Sierra Leone on 15 September 2009. In a meeting with President Koroma, General Ward reaffirmed the commitment of the United States Government to strengthening relations with Sierra Leone and helping improve the capacity of its armed forces.

C. Economic and social developments

21. The global economic crisis has significantly affected Sierra Leone. Economic growth fell from 5.5 per cent in 2008 to approximately 4 per cent in 2009; it is expected to rebound to approximately 5.5 per cent in 2010. Exports, including sales of diamonds, fell significantly. Consequently, the country's current account has worsened. Inflation, which had risen at the outset of the global crisis, fell in the second half of 2009.

22. In September 2009, it was announced that an oil well with a potential of 200 million barrels had been discovered off the coast of Sierra Leone by a consortium led by Anadarko, a United States company, with Australian, Spanish and Irish partners. While it remains to be seen whether the oil found will be sufficient for commercial exploitation, the discovery has generated substantial publicity and has injected further momentum into efforts aimed at improving the management of the natural resource sectors, including the Extractive Industries Transparency Initiative.

for which Sierra Leone is a candidate country with a 9 March deadline for compliance. UNDP and the World Bank are actively supporting those efforts, while Germany's development agency and the African Development Bank are also considering participating.

23. A new Mines and Minerals Act was signed into law by President Koroma in January 2010. The law substantially improves the regulation of mining activities in the country. It makes provision for greater transparency and predictability, limits the use of discretionary power and expands stakeholder involvement in licensing decisions. The law also increases royalty rates and resources for community development and sets new standards for environmental protection and worker safety.

24. The Goods and Services Tax Bill was enacted by Parliament on 4 June 2009 and came into effect early in 2010. A wide range of taxes, including import sales tax, domestic sales tax, entertainment tax and restaurant and food tax, were replaced by the goods and services tax, which helped to simplify the previous system of indirect taxation. Some essential items, including rice, pipe-borne water, fuel, books, educational and medical services and selected pharmaceutical supplies, will not be taxed to ensure that the poorer members of the community are not adversely affected by the introduction of the goods and services tax. It is believed that the tax will raise more revenue for the Government while having little or no effect on the cost of living. Overall, taxpayers will pay no more tax than previously, and the savings for businesses in terms of time and the cost of accounting for tax will be significant.

25. Furthermore, during the period under review the Government commissioned the Bumbuna hydroelectric project, which is expected to have a positive impact on the economy in 2010, including by reducing fuel import costs.

26. On 18 and 19 January, the President of the World Bank, Robert B. Zoellick, visited Sierra Leone. During the visit he met President Koroma and other senior Government officials, my Executive Representative, international development partners, the Chair of the Anti-Corruption Commission and representatives of civil society and the private sector. While acknowledging the Government's efforts to implement the Agenda for Change, Mr. Zoellick stressed the need for continued progress on good governance and the combating of corruption. He also committed the World Bank to supporting the telecommunications infrastructure of Sierra Leone, the West Africa Power Pool and regional fisheries management solutions.

27. Sierra Leone signed the Comprehensive Africa Agricultural Development Programme Compact in September 2009 and is currently in the process of developing investment plans in line with the National Sustainable Agricultural Development Plan for 2010-2020. The World Food Programme (WFP) will support, at the request of the Government, the implementation of Comprehensive Africa Agricultural Development Programme safety net programmes in four areas: (a) the provision of productive safety nets, such as food and cash-for-work schemes; (b) the provision of social safety nets through maternal and child health and school feeding programmes; (c) enhanced emergency response capacity to respond to localized disasters, such as floods, and for climate change adaptation; and (d) capacity-building, policy support and the promotion of social protection.

28. In order to raise awareness of HIV/AIDS and strengthen local partnerships, the Joint United Nations Programme on HIV/AIDS (UNAIDS) organized, on 12 November 2009, a national partnership forum, which was attended by over 300.

UNAIDS also arranged the 2009 World AIDS Day campaign, on the theme "Help protect your baby: get tested for HIV now". A total of 9,814 people, 7,295 females and 2,519 males, were tested for HIV during the campaign.

III. Advancing peacebuilding

29. On 18 and 19 November, the Government of Sierra Leone and its development partners held the sixth Consultative Group meeting, in London. The aim of the meeting was to broaden the donor support base for Sierra Leone and to encourage existing donors to increase their assistance to the country. One full day of the meeting was focused on private sector development and fostering private and public sector partnerships.

30. The Consultative Group meeting endorsed both the United Nations multi-donor trust fund, which focuses on capacity-building, and the World Bank multi-donor trust fund, which focuses on infrastructure. The meeting also led to an invitation to the Government of Sierra Leone to attend the annual Coordination Group meeting of a number of key Arab countries, hosted by the Arab Bank for Economic Development in Africa, held in Khartoum from 11 to 13 January 2010.

31. In preparation for the Consultative Group meeting, my Executive Representative travelled to Brussels, Madrid, The Hague, Copenhagen, Stockholm, Oslo, Helsinki and London to meet with senior officials in order to promote the Government's Agenda for Change and to mobilize support for the United Nations joint vision. My Executive Representative highlighted the United Nations multi-donor trust fund for Sierra Leone, which became operational on 1 November 2009, as the preferred United Nations funding channel in the future.

32. On 27 October 2009, John McNee, Chair of the Sierra Leone configuration of the Peacebuilding Commission, endorsed and communicated to Member States the United Nations in kind appeal for boats and vehicles for the security sector agencies of Sierra Leone. To date, two Peacebuilding Commission members, Thailand and Egypt, have expressed an interest in the appeal. It is hoped that more members will review the appeal and consider making appropriate contributions.

33. The aid policy endorsed at the Sierra Leone Consultative Group meeting will pave the way for the establishment of an improved aid coordination architecture. In January 2010, discussions on the details of the aid architecture were held with the aim of operationalizing the new aid coordination structure. The new aid architecture will allow the United Nations and other partners to better support the Government's Agenda for Change.

IV. Support to democratic institutions

A. Sierra Leone broadcasting corporation

34. The joint communiqué of 2 April 2009 called on political parties to work towards the creation of an independent national broadcasting corporation. The Government continued to make major strides in establishing an independent national broadcaster to which the assets of United Nations Radio will be transferred. Since its inception, in 2000, United Nations Radio, which has the widest national coverage

in the country and round-the-clock programming, has been a source of impartial news and, as such, is a critical component of the peace consolidation process.

35. The United Nations, the Parliament, the Sierra Leone Association of Journalists and other stakeholders raised concerns regarding the independence of the corporation. Accordingly, important amendments, including a requirement that the appointment of the Director-General of the corporation by the President be subject to the approval of Parliament, were made to a bill amended by Parliament on 17 December.

36. It is envisaged that the corporation will be formally launched on 27 April. A transition management team, comprising the Ministry of Information and Communication, the Sierra Leone Association of Journalists and representatives of civil society, has been established. The Peacebuilding Fund has approved $750,000 to support the transition. In preparation for their responsibilities, trustees have received training courses from the BBC World Service Trust and UNIPSIL.

37. In a spirit of bipartisanship, the Government appointed Septimus Kaikai, the Minister for Information and Communication in the previous (SLPP) Government, as the Chairman of the Board of Trustees. Other trustees include representatives of the Council of Paramount Chiefs and the Sierra Leone Bar Association. Vacancy notices for key management positions have been issued and, once the positions have been filled, the transition process will be driven by the corporation management team, with UNIPSIL, UNDP and other partners playing a supportive role.

B. Independent Media Commission

38. The Independent Media Commission announced on 12 February 2010 that the Freetown City Council, which is run by the ruling party, will not be permitted to operate a radio station. Legal proceedings challenging the withdrawal by the Independent Media Commission of an SLPP radio station licence were adjourned as a result of a court ruling issued in Freetown. In November 2009, with support from UNIPSIL, the Commission carried out training programmes for journalists in a number of areas, including media law and investigative reporting.

C. Political Parties Registration Commission

39. The Government of Sierra Leone continued to restructure the Political Parties Registration Commission, with support from UNIPSIL and UNDP. The process will entail the recruitment of permanent staff for the Commission, as well as financial autonomy. In January 2010, UNIPSIL international partners, the Department for International Development of the United Kingdom, the European Commission and Irish Aid, approved $1.8 million for the upgrading of the operational and administrative capacities of the Commission as well as of the National Electoral Commission.

D. National Electoral Commission

40. In December 2009 and January 2010, the National Electoral Commission and the Ministry of Internal Affairs, Local Government and Rural Development jointly

organized paramount chieftaincy elections in several chiefdoms in the country. Supplementing the support from the Government of Sierra Leone, the European Union and the Governments of Ireland and the United Kingdom made available further financial assistance through an electoral basket fund, managed by UNDP. In the period under review, the Commission also conducted local council by-elections in Bo and Kenema Districts.

E. Parliament

41. With assistance from the Peacebuilding Fund, 20 additional clerks and researchers were recruited for the Parliament of Sierra Leone. The parliamentary library was refurbished and 20 computers and a number of books were purchased. Parliament received two minibuses and six motorbikes to enhance the work of its oversight committees. Training programmes for the clerks and researchers began in February 2010. Furthermore, seminars were offered to parliamentarians on transparency issues in the extractive industries, including the oil industry.

F. Sierra Leone police

42. Efforts to boost the capacity of the police in the area of public order management continued in the reporting period. Through the Peacebuilding Fund, vehicles, helmets, batons, shields, handcuffs and protective clothing valued at $909,606 were procured and delivered to the police. In addition, 2,423 officers were trained in public order management. Another 134 officers assigned to the Police Complaints, Discipline and Internal Investigations Department were trained and provided with equipment.

43. In order to support cooperation between the police and the media, UNIPSIL, with the assistance of the Government of Luxembourg, conducted three regional workshops, at which modalities for improved relations between the police and the media were agreed upon in a memorandum of understanding. UNIPSIL assisted the police in enhancing community relations through the local police partnership boards, and four partnership training workshops funded by the Government of Luxembourg were organized for religious, traditional and community leaders.

G. Decentralization

44. The Ministry of Internal Affairs, Local Government and Rural Development, working together with the Decentralization Secretariat, launched the performance assessment results system for local councils in November 2009. The new system will enhance the accountability of councils to their constituents. Female councillors from all 19 local councils were trained by the Decentralization Secretariat on leadership and confidence-building in November 2009.

45. The Ministry of Finance and Economic Development also trained internal auditors of the 19 local councils. The provision of council offices by the Decentralization Secretariat is in progress. A financial agreement with the International Development Agency provided $20 million for decentralized service delivery and the decentralization process in November 2009. Progress is being made

in the devolution of 75 functions to local councils. However, there is a need for financial support for local council strategic plans and initiatives.

V. Human rights and the rule of law

A. Support to human rights and the rule of law

46. The increase in incidents of sexual and gender-based violence remains a serious concern for human rights organizations, as well as for the Government. Various activities aimed at enhancing the capacity of the National Human Rights Commission and other local stakeholders in the area of issues relating to human rights and the rule of law were undertaken by UNIPSIL in the reporting period. Accordingly, 120 persons from a broad range of civil society organizations active in four districts were trained in human rights monitoring and reporting. In addition, 80 prison officers received training on human rights. A resource centre for civil society organizations with Internet access, a conference facility and human rights resource materials was established in Freetown.

47. In collaboration with UNDP, a workshop was organized in September 2009 for the members of the parliamentary Human Rights Committee on human rights, gender and access to justice. In December, UNIPSIL and UNDP facilitated a dialogue forum for civil society and parliamentarians.

48. The construction of two magistrate courts in Freetown is proceeding smoothly, and the establishment of a fast-track commercial court is also in progress. The judiciary also adopted two policy documents in October 2009, namely, a bail policy guideline for magistrates and judges and an operation manual for bailiffs.

49. With support from the Peacebuilding Fund, progress has also been made in the refurbishment of Mafanta prison, but the completion of that project has been hampered by a lack of resources. It is expected that, once the work has been completed, the prison will help to relieve overcrowding at Pademba Road prison in Freetown.

B. National Human Rights Commission

50. The National Human Rights Commission continued to further strengthen its outreach programme and its reporting on the human rights situation in the country. Among other activities, the Commission carried out sensitization activities related to its 2008 human rights report. On 7 December, Parliament debated matters raised in the report and subsequently endorsed it. The Government has made a commitment to covering the operational costs of the Commission in 2010, including staff salaries. UNIPSIL has continued to mobilize international donor support to permit the implementation of the Commission's strategic plan.

51. Notwithstanding those positive developments, there is still a deficit in the resources required for the implementation of the Commission's mandate.

C. Implementation of the recommendations of the Truth and Reconciliation Commission

52. Progress has been made in the implementation of the recommendations contained in the report of the Truth and Reconciliation Commission, in particular through the reparations programme. With support from the Peacebuilding Fund, microgrants were provided to more than 13,000 eligible victims of the civil war to enable them to set up small-scale businesses. In addition, 7,000 child victims, mainly war orphans and children born as a result of sexual violence, received financial support to pay fees and buy learning materials. More than 200 victims of sexual violence received treatment.

53. Despite those welcome developments, there remains a significant shortfall in the funds required to implement the reparations programme. In that regard, on 5 December, President Koroma launched a special trust fund for war victims to mobilize resources from local and international partners.

VI. Special Court

54. On 26 October 2009, the Appeals Chamber of the Special Court for Sierra Leone upheld the judgment of the Trial Chamber and convicted eight persons in the case of *Prosecutor v. Issa Sesay, Morris Kallon and Augustine Gbao*. The convicted persons were members of the Revolutionary United Front, the Armed Forces Revolutionary Council and the Civil Defence Forces, the three main armed militias that operated during the conflict in Sierra Leone.

55. On 13 August and 26 October 2009, the Special Court for Sierra Leone designated Rwanda as the State where convicted persons will serve their sentences. Subsequently, on 31 October 2009, the convicts were transferred to Mpanga prison, Rwanda, to serve the remainder of their sentences. The Special Court is monitoring the conditions relating to the enforcement of the prisoners' sentences.

56. The trial of Charles Taylor, the former President of Liberia, is continuing at The Hague. The cross-examination of Mr. Taylor ended on 5 February 2010, and the next stage of the trial involves testimony from defence witnesses. Judgment in the case is scheduled for December 2010, and the Court's activities are expected to conclude in mid-2011.

VII. Progress on the integration process

57. The implementation of the United Nations joint vision is progressing. United Nations agencies have worked in an integrated manner to identify programme deliverables for each of the 21 programmes of the joint vision. That approach will ensure that agencies do not duplicate efforts within a single programme and allow for the monitoring and evaluation of each programme within the joint vision.

58. The common United Nations garage, security service and medical facility all continue to make slow but steady progress as key operational elements of the integrated approach. Cost-sharing agreements between UNIPSIL and United Nations agencies were concluded during the period under review. A new field office to serve the United Nations family in Bo became operational. The joint medical clinic

extended its services to the Special Court for Sierra Leone and initiated negotiations with the diplomatic community to offer services at a fee. The United Nations helicopter service, which offers the Government and development partners an efficient connection to rural communities, is recognized as a key service and as an important United Nations contribution to the peacebuilding effort.

59. Direct programme support, which entails the transition from direct United Nations execution to the national execution of programmes and projects, is now being used by the United Nations country team in Sierra Leone. The roll out of direct programme support is part of a gradual process leading to the normalization of the way in which the United Nations and the Government interact and is a positive indicator of the country's ongoing post-conflict stabilization process.

VIII. Main risks

A. Corruption

60. Efforts to combat corruption continued in the period under review. At an emergency Cabinet meeting on 26 January 2010, President Koroma cited several instances of corrupt practices in a number of Government entities and unequivocally demanded that immediate steps be taken to prevent their recurrence.

61. On 4 November 2009, the Minister of Health was relieved of his duties and charged with offences under the country's Anti-Corruption Act, including failure to comply with regulations concerning the issuance of contracts and abuse of office. In December, President Koroma directed that the Head of the National Revenue Authority be suspended from office pending investigations by the Commission into the misappropriation of donor funds, the corrupt acquisition of wealth and related offences. The Commission continued to engage civil society and tertiary institutions in combating corruption. One of the country's international partners, Irish Aid, provided €200,000 to support the work of the Commission.

62. The ranking of Sierra Leone in the Transparency International Corruption Perceptions Index for 2009 improved by 12 places.

B. Illicit drugs

63. To deal with the problem of illegal narcotics, the Sierra Leone Joint Drug Interdiction Task Force has, in addition to obtaining strong support from the Government of Sierra Leone, received technical and financial assistance from the United Nations Office on Drugs and Crime and the United States Africa Command. A computer-based training centre was established at the Task Force headquarters and a variety of computer equipment and training on drug interdiction, intelligence analysis, search and seizure was provided. As a result, important breakthroughs were made by the task force in disrupting the activities of drug smugglers, including suspects linked to the importation of 703 tons of cocaine into Sierra Leone in July 2008.

64. In February 2010, UNIPSIL, in collaboration with the Government of Sierra Leone, ECOWAS, the United Nations Office on Drugs and Crime, the Department of Political Affairs, the Department of Peacekeeping Operations and the United Nations Office for West Africa, convened an expert group meeting and a ministerial

conference with the aim of implementing the West Africa Coast Initiative. The Initiative will support the ECOWAS regional action plan on illicit drug trafficking and organized crime. The Conference was also aimed at establishing transnational crime units in Sierra Leone, Liberia, Côte d'Ivoire and Guinea-Bissau to tackle organized crime and drug trafficking as well as build national and regional capacities in the areas of drug interdiction, forensics, intelligence, border management, money-laundering and criminal justice. A joint declaration reaffirming commitments to fight illicit drug trafficking and organized crime in West Africa, as well as the operational modalities for the transnational crime units, was adopted at the conference.

C. Youth unemployment

65. On 7 December 2009, Parliament enacted the National Youth Commission Act, which will allow for the creation of a dedicated Commission to focus on youth employment and empowerment and serve as an organ for coordinating all youth-related issues. Discussions are in progress on start-up arrangements for the Commission and to mobilize support from international development partners.

66. An estimated 600,000 young people in the country are currently unemployed. To address youth unemployment, a sectoral working group, with the participation of the United Nations, the World Bank, the German development agency, the Ministry of Education, Youth and Sports and the Ministry of Employment, Labour and Social Security, was established in 2009. The group devised a strategic framework that emphasizes job creation. Efforts to create jobs in Sierra Leone will be boosted significantly with the recent commitment of $20 million by the World Bank to the youth employment sector.

IX. Observations

67. Corruption has long been recognized as an obstacle to Sierra Leone's progress. I therefore welcome the strong recognition by President Koroma of the challenge corruption poses and the swift action taken by the Anti-Corruption Commission to combat the problem. I encourage further efforts to ensure that corruption does not weaken laudable progress towards the development of Sierra Leone and call for joint action by all national stakeholders to deal with the matter.

68. I thank Sierra Leone's international development partners for their support and invite other partners to join in providing critical financial support to enable Sierra Leoneans to enjoy the dividends of peace. In particular, I appeal to international partners to provide additional support to the National Human Rights Commission, as well as the Government's Special Trust Fund for War Victims.

69. In addition, I note the shortfall in anticipated donor funding required for the implementation of the Government's Agenda for Change. I therefore appeal to Sierra Leone's international development partners to generously assist the Government of Sierra Leone in implementing its Agenda for Change. Support for the Agenda for Change will enable the Government to meet the Agenda's main objectives, including in particular in developing infrastructure and increasing agricultural productivity. The attainment of these goals will in turn help to improve

the difficult socio-economic indicators which have all contributed to making Sierra Leone a fragile State, notwithstanding progress thus far achieved.

70. I am encouraged by the improvements in the political climate in Sierra Leone since the signing of the joint communiqué on 2 April 2009. However, the challenge of fostering political tolerance and promoting non-violence still regrettably remains. Recent developments, notably the violent and disturbing clashes between supporters of the major opposition, SLPP and the ruling APC, on 13 February 2009 do not augur well for the peace and stability of the country as well as for the elections to be held in 2012. There is an urgent need to build trust and mutual confidence between major political parties. I therefore urge SLPP and APC to abide by the code of conduct for political parties as well as the commitments of the joint communiqué of 2 April 2009.

71. I welcome the collaboration of the Government of Sierra Leone and international partners in combating the threat of illegal narcotics and organized crime which, if unchecked, could undermine the peace consolidation process in Sierra Leone. I urge continued efforts in that regard. I wish to reiterate the appeal of the Chair of the Sierra Leone configuration of the Peacebuilding Commission to Member States to donate vehicles and boats for Sierra Leone's security sector agencies in order to improve their effectiveness in dealing with organized crime.

72. Finally, I wish to express my sincere appreciation to staff of United Nations agencies and programmes and UNIPSIL who, under the leadership of my Executive Representative, Michael von der Schulenburg, have made notable progress in achieving the objectives of the United Nations joint vision as well as assisting the Government of Sierra Leone in advancing the Agenda for Change. I also thank all international partners for their indispensable collaboration with the United Nations in Sierra Leone.

United Nations S/2010/136

Security Council

Distr.: General
15 March 2010
English
Original: French

Note by the Secretary-General concerning the date of an election to fill a vacancy in the International Court of Justice

1. By a letter dated 25 January 2010, a certified copy of which was forwarded to the Secretary-General by a letter dated 26 January 2010 from the President of the International Court of Justice, which letter was received on 18 February 2010, Judge, former Vice-President and former President Shi Jiuyong informed the President of the Court, pursuant to Article 13, paragraph 4, of the Statute of the Court, that he wished to resign as a member of the Court effective 28 May 2010. A vacancy in the Court will therefore occur on this date.

2. Judge, former Vice-President and former President Shi Jiuyong was elected a member of the Court on 10 November 1993 and was re-elected on 21 October 2002 for a term of office ending on 5 February 2012. He served as Vice-President of the Court from 2000 to 2003. From 6 February 2003 to 6 February 2006, he served as President of the Court.

3. Article 14 of the Statute of the Court provides as follows:

> "Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

4. Article 5, paragraph 1, of the Statute provides as follows:

> "At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the States which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court."

5. Since the date of the election is to be fixed by the Security Council, the Council may wish to consider this issue at an early meeting, taking into consideration the fact that the Secretary-General's communication must be issued within one month of the occurrence of the vacancy and at least three months before the date of the election. The Secretary-General intends to issue his communication inviting the parties concerned to nominate persons to fill the vacancy as soon as the Council has fixed the date of the election.

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United Nations S/2010/137

Security Council

Distr.: General
22 March 2010

Original: English

Identical letters dated 18 March 2010 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and President of the Security Council

I write to express my grave concern in light of the recent increase in the firing of rockets by the terrorist entity Hamas that controls the Gaza Strip.

This constant terrorist phenomenon continues to expose the civilian population of southern Israel to serious threat and imminent danger. On 11 and 12 February 2010, Palestinian terrorists from the Gaza Strip launched attacks using automatic weapons and planted explosives near the Israel-Gaza border, as well as within Israeli territory. Also on 12 February 2010, a Qassam rocket exploded near the municipalities of Sha'ar Hanegev and Hof Ashkelon.

Despite Israel's considerable restraint, on 11 and 13 March 2010, Qassam rockets struck the area of Eshkol and destroyed a building only metres from private homes. On 17 March 2010, a Qassam rocket struck adjacent to a kibbutz near Sderot. Two civilians, including a young girl, were evacuated for medical care.

All of these attacks culminated today, 18 March 2010, when a Qassam rocket fired from the Gaza Strip struck a greenhouse in the community of Netiv Ha'asara, targeting and killing an agricultural worker. Earlier in the day, a Qassam rocket launched from Gaza exploded in the vicinity of Sderot. As the Secretary-General prepares to depart for the region, such attacks undoubtedly do not represent a welcoming message from the terrorist-dominated Gaza Strip.

On the contrary, these attacks reflect Hamas's ongoing campaign to target Israeli civilians. At the same time, Hamas cynically turns the civilian population of Gaza into human shields as it launches attacks from civilian areas and stores weapons in hospitals, mosques, schools, and other civilian structures. This blatant disregard of international norms and principles is further demonstrated by Hamas continuing to hold Staff Sergeant Gilad Shalit in captivity, denying him the most elementary human rights, including access to international humanitarian personnel.

Israel urges the Secretary-General to express the unequivocal expectation of the international community for the immediate release of Staff Sergeant Shalit, and for prompt rectification of this grave situation which is contrary to the most fundamental standards of human rights.

Given such realities and the ongoing nature of Hamas's murderous attacks, Israel will — when necessary — exercise its right of self-defence pursuant to international law. On the eve of the Secretary-General's visit, Hamas's abhorrent

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modus operandi demonstrates its true intentions and reflects the real challenges to peace and security.

On this matter, I wish to reiterate Prime Minister Benjamin Netanyahu, who stated early in January 2010 in the aftermath of Hamas attacks: "Any firing at our territory will be responded to strongly and immediately". Similarly, Israel calls on the Secretary-General and relevant United Nations organs to condemn Hamas's ongoing terrorist attacks, as well as its tactics that endanger Israeli and Palestinian civilians, in the strongest possible terms.

I should be grateful if you would have this letter of complaint distributed as a document of the Security Council.

(*Signed*) Gabriela **Shalev**
Ambassador
Permanent Representative

United Nations

Security Council

Distr.: General
18 March 2010

Original: English

Austria: draft resolution

The Security Council,

Taking note of the letter to the President of the Council from the Secretary-General dated 15 March 2010 (S/2010/133), attaching the letter from the President of the International Tribunal for the former Yugoslavia ("the International Tribunal") dated 1 March 2010,

Recalling its resolutions 827 (1993) of 25 May 1993, 1581 (2005) of 18 January 2005, 1597 (2005) of 20 April 2005, 1613 (2005) of 26 July 2005, 162 (2005) of 30 September 2005, 1660 (2006) of 28 February 2006, 1668 (2006) of 10 April 2006, 1800 (2008) of 20 February 2008, 1837 (2008) of 29 Septemb 2008, 1849 (2008) of 12 December 2008, 1877 (2009) of 7 July 2009, and 190 (2009) of 16 December 2009,

Recalling that in resolution 1900 (2009) the Security Council decided tha notwithstanding the expiry of their terms of office on 31 December 2009, Judg Kimberley Prost (Canada) and Ole Bjørn Stole (Norway) complete the *Popov* case; and that the total number of ad litem judges serving at the Internation Tribunal may temporarily exceed the maximum of twelve provided for in article 1 paragraph 1, of the Statute of the International Tribunal, to a maximum of thirteen any one time, returning to a maximum of twelve by 31 March 2010,

Taking note of the fact that due to unforeseen circumstances the delivery of t judgment in the *Popović* case is delayed and will not be rendered by the end March 2010,

Convinced of the advisability of allowing the total number of ad litem judg serving at the International Tribunal to temporarily exceed the maximum of twel provided for in article 12, paragraph 1, of the Statute of the International Tribunal,

Urging the International Tribunal to take all possible measures to complete work expeditiously,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the total number of ad litem judges serving at t International Tribunal may temporarily exceed the maximum of twelve provided in article 12, paragraph 1, of the Statute of the International Tribunal, to a maximu of thirteen at any one time, returning to a maximum of twelve by 30 June 2010, upon completion of the *Popović* case if sooner;

2. *Decides* to remain seized of the matter.

10-27841 (E) 180310

United Nations S/2010/139

Security Council

Distr.: General
17 March 2010

Original: English

Letter dated 16 March 2010 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Democratic People's Republic of Korea submitted pursuant to resolution 1624 (2005) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 10 March 2010 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to transmit herewith the report from the Government of the Democratic People's Republic of Korea on implementation of the provisions of Security Council resolution 1624 (2005) (see enclosure).

(*Signed*) **Sin Son Ho**
Ambassador
Permanent Representative

Enclosure

Report by the Democratic People's Republic of Korea to the Counter-Terrorism Committee pursuant to Security Council resolution (1624) (2005)

The Democratic People's Republic of Korea has consistently maintained the principled stand of opposing terrorism and incitement of terrorist acts in all their forms and manifestations and has taken legislative and other practical measures to prevent and combat terrorism.

The Democratic People's Republic of Korea holds that all efforts to combat terrorism should be made in strict compliance with the purposes and principles of the Charter of the United Nations and international law, and that they should, under no circumstances, be abused as a means of accomplishing political or military aims of individual countries or groups.

The Democratic People's Republic of Korea hereby submits its report to the Counter-Terrorism Committee pursuant to Security Council resolution 1624 (2005), honouring the resolutions of the United Nations General Assembly and the Security Council related to counter-terrorism as well as the purposes and principles of international conventions on combating terrorism, and reaffirming its commitment to continued full cooperation in the international fight against terrorism.

1. Measures adopted by the Democratic People's Republic of Korea in accordance with its obligations under international law

Prohibition by law of terrorism or incitement of terrorist acts

The Democratic People's Republic of Korea is a politically stable country. There are no social or institutional sources in the Democratic People's Republic of Korea that may give rise to terrorism and incitement of terrorist acts or their supporters, as its society is one large harmonious family where all people live in single-hearted unity.

However, the Democratic People's Republic of Korea has taken all possible legislative measures in an effort to prevent terrorism in all its forms and manifestations and to fully cooperate in the international fight against terrorism.

Articles 60 and 61 of the Criminal Law of the Democratic People's Republic of Korea strictly prohibit all forms of terrorism or incitement of terrorist acts and lay down severe legal penalties in case of any violations:

> "Article 60. A person who commits an act of terrorism by murdering or kidnapping cadres and people or by inflicting bodily injury on them with a view to opposing the State shall be sentenced to more than five years of reform through labour. In case of an extremely grave crime, he or she shall be given the penalty of reform through labour for an indefinite period or the death penalty and the penalty of confiscation of property.
>
> Article 61. A person who performs propaganda and agitation with a view to opposing the State shall be sentenced to less than five years of reform through labour. In case of a grave crime, he or she shall be sentenced to five to ten years of reform through labour."

Prevention of terrorism or incitement of terrorist acts

In the Democratic People's Republic of Korea severe legal penalties are imposed in accordance with the Criminal Law on persons who knowingly failed to inform the relevant authorities of the crime being prepared or committed:

> "Article 71. A person who, though he or she is aware of a crime against the State being prepared or committed, fails to report it to an institution concerned shall be sentenced to less than three years of reform through labour.
>
> Article 72. A person who neglects a crime against the State being committed even though he or she is reasonably able to take measures necessary for urgently preventing it shall be sentenced to less than three years of reform through labour."

The Democratic People's Republic of Korea has taken a series of practical measures to prevent possible terrorist acts in all forms and manifestations from outside with the highest degree of vigilance against them as the moves of hostile forces abroad aimed at overthrowing its system have gone beyond the danger limit in recent years.

Denial of safe haven to persons with respect to whom there is credible information giving serious reasons for considering that he or she is guilty of terrorism or incitement of terrorist acts

The Democratic People's Republic of Korea strongly denounces and strictly prohibits incitement of terrorist acts and adheres to its consistent stand on denying safe haven to the suspected persons related thereto.

The Criminal Law provides in article 70 that "A person who hides another who has committed a crime against the State and nation or conceals evidence of the crime shall be sentenced to less than four years of reform through labour".

Practical measures have been adopted to ensure that citizens are well aware of their obligations in this regard and abide by the relevant laws and regulations. For instance, a well-organized system has been established so that citizens can immediately report to the relevant institutions about any unusual occurrences at any time while technical means are being modernized in this area.

The Democratic People's Republic of Korea has concluded treaties with a number of countries including China, Cuba, Kazakhstan, Mongolia, the Russian Federation, the Syrian Arab Republic, Ukraine and Viet Nam on rendering mutual judicial assistance in criminal and civil cases, under which bilateral and multilateral cooperation is enhanced in such areas as criminal proceedings, investigation, arrest and extradition of criminals.

2. Measures adopted by the Democratic People's Republic of Korea to strengthen the security of national borders, including by enhancing terrorist screening and passenger security procedures and by combating fraudulent travel documents with a view to preventing those guilty of the conduct in paragraph 1 (a) from entering its territory

The Democratic People's Republic of Korea immigration control offices enforce stringent border control in accordance with the Immigration Law, the regulation on border control and inspection, and other relevant regulations and rules.

The Immigration Law of the Democratic People's Republic of Korea provides in article 18 that "Citizens who carry soiled or forged immigration certificates or who are recognized as inadmissible by law enforcement agencies shall not be allowed to enter or exit the country" and in article 19 that "Foreigners shall need a visa issued by the Ministry of Foreign Affairs or the immigration organ to enter or leave the Democratic People's Republic of Korea". The law further provides in article 25 that "Foreigners who have violated the sovereignty of the Democratic People's Republic of Korea, who are regarded by the relevant organ as having reasonable grounds for disturbing the security and public order of the Democratic People's Republic of Korea, and who have an infectious disease shall be prohibited from entering the Democratic People's Republic of Korea" and in article 30 that "Foreigners who carry soiled or forged immigration certificate or who are regarded by the relevant organ as being unfit to exit shall not leave the Democratic People's Republic of Korea".

The regulations on border control and inspection specify that those whose entry or exit are prohibited by the relevant organ of the Democratic People's Republic of Korea shall not be permitted to cross the border even though they have travel documents. The regulations on entry, stay and residence in the Kaesong Industrial Zone and the Mt. Kumgang Resort stipulate respectively that international terrorists, drug addicts and bearers of fraudulent certificates shall be denied entry.

There are concrete legislative measures put in place to prevent and punish the acts of forging travel documents.

The Criminal Law provides in article 224 that "A person who, out of selfish or other base motives, conceals or disposes of documents, certificate of citizenship or identification card, forges it or knowingly uses a forged one shall be sentenced to less than two years of disciplining through labour. In case of a grave offence, he or she shall be sentenced to less than two years of reform through labour" and in article 225 that "A person who sells or buys an identification card shall be sentenced to less than two years of disciplining through labour".

In accordance with bilateral and multilateral treaties on rendering mutual judicial assistance in criminal and civil cases, cooperation with different countries is strengthened in judicial field such as international border control and inspection through the exchange and contact among judicial authorities, workshops and experience-sharing meetings, and at the same time legislative and practical measures are adopted to prevent illegal entry and exit of criminals including terrorists and to impose stringent criminal penalties on the criminals apprehended.

3. Measures taken by the Democratic People's Republic of Korea to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to counter incitement of terrorist acts motivated by extremism and religious intolerance and to prevent the subversion of educational, cultural and religious institutions by terrorists and their supporters in accordance with its obligations under international law

Independence, peace and friendship are the basic ideals of the foreign policy and the principles of external activities of the Democratic People's Republic of Korea.

The Constitution stipulates in article 17, that "Independence, peace and friendship are the basic ideals of the foreign policy and the principles of external activities of the Democratic People's Republic of Korea. The State shall establish diplomatic as well as political, economic and cultural relations with all friendly countries, on principles of complete equality, independence, mutual respect, non-interference in each other's affairs and mutual benefit".

The Democratic People's Republic of Korea is also taking measures to ensure that its citizens fully recognize and respect political and economic systems and levels of development as well as peculiarities and diversities of historical and cultural traditions of other nations.

Educational institutions, at all levels, attach due importance to education in the Convention on the Rights of the Child and other international human rights instruments to which the Democratic People's Republic of Korea is a party.

Teaching curricula, social organizations and mass media call for respect for human rights, fundamental freedoms and the principles enshrined in the Charter of the United Nations. At primary and secondary schools children are taught on subjects like world geography, world history and ethics and law, in the course of which understanding of different cultures and traditions of other countries and nations are promoted and the spirit of international peace, tolerance, equality and friendship is cultivated.

Newspapers, television, radio and other mass media are playing a significant role in this regard. They give a wide coverage of cultures and traditions, national customs and peculiarities of different countries and nations of the world, thus promoting the sense of international understanding, peace and solidarity.

The mass media also carries accounts of the invasion into sovereign states and the subsequent grave human rights violations like the massive killings of civilians perpetrated in Iraq and Afghanistan under the pretext of "war on terror", thus helping people have clear understanding of its grave consequences to global peace and security.

Practical measures will be further adopted in the context of raising public awareness on the importance of the fight against terrorism.

The Democratic People's Republic of Korea remains steadfast in its stand to oppose all forms and manifestations of terrorism and support to it.

The Democratic People's Republic of Korea will continue to fully discharge its responsibility and obligations as a dignified member of the United Nations in countering terrorism and actively cooperate with the international community in its fight against terrorism.

United Nations S/2010/140

Security Council

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17 March 2010
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Original: French

Letter dated 15 March 2010 from the Secretary-General to the President of the Security Council

I have the honour to refer to resolution 1891 (2009) concerning the Sudan, adopted by the Security Council on 13 October 2009. The Council decided in paragraph 1 of the resolution to extend until 15 October 2010 the mandate of the Panel of Experts originally appointed pursuant to resolution 1591 (2005) and previously extended by resolutions 1651 (2005), 1665 (2006), 1713 (2006), 1779 (2007) and 1841 (2008) and requested me to take the necessary administrative measures.

Accordingly, I wish to inform you that I have appointed the following fifth expert to serve on the Panel of Experts until 15 October 2010:

Mr. Kadarou Sako, Côte d'Ivoire (civil aviation).

The Panel is now at its full strength of five members.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

10-27738 (E) 190310 190310

Please recycle

United Nations S/2010/141

Security Council

Distr.: General
18 March 2010

Original: English

Draft resolution

The Security Council,

Noting with regret the resignation of Judge Shi Jiuyong, to take effect on 28 May 2010,

Noting further that a vacancy in the International Court of Justice for the remainder of the term of office of Judge Shi Jiuyong will thus occur and must be filled in accordance with the terms of the Statute of the Court,

Noting that, in accordance with Article 14 of the Statute, the date of the election to fill the vacancy shall be fixed by the Security Council,

Decides that the election to fill the vacancy shall take place on 29 June 2010 at a meeting of the Security Council and at a meeting of the General Assembly at its sixty-fourth session.

10-27835 (E) 180310

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